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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,276	10/22/2003	Helmut Heinzmann	V010278.US	4928
7590		12/09/2005	EXAMINER	
Todd T. Taylor		HUG, ERIC J		
Taylor & Aust. P.C.		ART UNIT		
142 S. Main Street		PAPER NUMBER		
P.O. Box 560		1731		
Avilla, IN 46710		DATE MAILED: 12/09/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,276	HEINZMANN, HELMUT	
	Examiner	Art Unit	
	Eric Hug	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The following is in response to the amendment filed on October 13, 2005.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1 and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klungness et al (5,223,090) in view of Smook (Handbook for Pulp & Paper Technologists).

Klungness teaches loading a pulp fiber (chemical pulp, column 5, line 67 and column 1, lines 58-60 for kraft or sulfite pulp) by way of a chemical precipitation reaction by adding CaO or CaOH (column 6, line 38) to wet pulp (up to 95% weight water), then reacting with carbon dioxide to form precipitated calcium carbonate (column 6, lines 54-55), and then drying the pulp, prior to shipment for subsequent usage (column 6, lines 60-63). See column 6, line 58 for refining after loading, see column 6, line 62 for making a paper web. Smook is cited here to exemplify the drying of fiber pulp to a dryness of up to 95% for later use when not used immediately in a papermaking process. Smook also teaches providing dried pulp in rolled form or in baled sheet form.

2. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klungness et al as applied to claim 1 above, and further in view of Drummond (6,602,385) or Pitkanen et al (6,436,238).

Pitkanen teaches making filled pulp from peroxide bleached mechanical pulp

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(column 4, lines 26-38 and column 6, lines 10-19). It would have been obvious to use peroxide to bleach the pulp of Klungness prior to adding the calcium carbonate as such is taught by Pitkanen et al. Alternatively, Drummond teaches peroxide bleaching of pulp filled with calcium carbonate (column 2, lines 59-67). It would have been obvious to brighten the calcium carbonate filled pulp of Klungness by bleaching with peroxide in the manner taught by Drummond.

3. Claims 1-3, 6-11, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivatsu et al (US 5,665,205) in view of Smook (Handbook for Pulp & Paper Technologists).

Srivatsu disclose adding calcium carbonate filler to secondary fiber pulp by in situ attachment to the secondary pulp fibers. The secondary fiber pulp is mixed with calcium oxide or calcium hydroxide and then contacted with carbon dioxide in order to precipitate calcium carbonate on the secondary fibers. The pulp contains up to 99.5% water (not dried). The pulp is subsequently used to make paper. The secondary fiber pulp may be deinked pulp resulting from bleaching (column 1, lines 42-50). Such bleaching would obviously be performed with at least one bleaching agent prior to loading with calcium carbonate. Smook is cited here to exemplify the drying of fiber pulp to a dryness of up to 95% for subsequent use. Smook also teaches providing dried pulp in rolled form or in baled sheet form.

Response to Arguments

Applicant's arguments filed October 13, 2005 have been fully considered, but are not persuasive.

Regarding Klungness, pulp having a moisture content of upwards to 95% is disclosed. This is by no means a dried pulp, thus meets the claim of an undried pulp. The filler loading of crumb pulp disclosed by Klungness is given by way of example. Filler loading is not limited to only crumb pulp. Nevertheless, it is maintained that even the crumb pulp disclosed by Klungness is dewatered, not dried.

Smook is cited to exemplify what is known to one skilled in the art as being dried pulp. Dried pulp is considered to be at a low moisture level suitable for baling and/or shipment. Neither Klungness nor Srivatsu discloses drying the pulp to such a low level of moisture prior to filler loading. In fact, both Klungness and Srivatsu clearly teach that it is desirable to having wet pulp to enhance the filler loading of fibers. It is noted that Applicant repeatedly refers to the 10-14% moisture content cited in Smook for pulp stored in an integrated mill. This is an intermediate stage between pulp manufacture and pulp usage on a paper machine. One skilled in the art would recognize that further drying would be necessary for shipment of the pulp to a non-integrated mill. This intermediate stage has no impact on the pulp manufacturing process or the loading process.

Applicant argues that neither of the references either alone or in combination teach or suggest drying the pulp after the loading step, and thus it would not be obvious. In response, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, nor is it that the claimed invention must

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be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Applicant's arguments also do not clearly point out the patentable novelty which he/she thinks the claims present in view of the state of the art disclosed by the references cited or the rejections made. There is no apparent difference between the pulp loading process of the present invention and the processes of Klungness or Srivatsu. Klungness and Srivatsu suggest that the loaded pulp made by their processes may be used in paper making, and Klungness in particular states that the pulp may be further dried and shipped. Smook expressly discloses the drying of pulp for shipment. Thus, the step of drying the pulp after loading is clearly suggested by the applied prior art.

It is also noted that the primary advantage disclosed by Applicant is there is no drying between the pulp production process and the loading process. This advantage is considered to be an obvious economic advantage, as it would be desirable to eliminate any drying step before the loading process particularly if the pulp loading is best performed on wet pulp.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

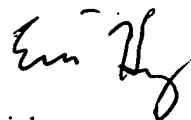
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


jeh